

REMARKS

In accordance with the foregoing, claims 1, 9, 11, 18, and 24 have been amended without narrowing the scope thereof as would be understood by one of ordinary skill in the art, and claim 33 has been added and is deemed patentable due at least to its depending from claim 1. Claims 1 and 3-33 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §102:

On pages 2-3 of the Office Action, the Examiner rejects claims 1, 3-6, 18-21, 24-27, 31, and 32 under 35 U.S.C. §102 in view of Mimnagh (U.S. Patent No. 5,835,462). The rejections are respectfully traversed and reconsideration is respectfully requested.

By way of review, Mimnagh discloses an information carrier 1 having a track 9 including address codes (AC) 66, 67, and auxiliary codes (HC) 61-69. Each auxiliary code HC has one of ten possible codes which are used during recording and which relate recording velocity and write power. As such, the information carrier 1 can provide optimized write powers according to the recording speed. (Col. 4, lines 1-33; FIGs. 1(a) and 2). As shown in the example of FIG. 4, the auxiliary codes which include the write powers are indicated in bits W1 through W3 for velocities indicated in bits V1 through V3. Additionally, codes and subcodes can be indicated in bits A1 through A3 and S1 through S3 used to adapt the remaining recording parameters according to type and sub-type of disc, such for a CD-E and a CD-WO. The adaptation is used since, even within a same disc type such as CD-E, manufacturers can use different materials and physical embodiments which further adjust the write power as a function of velocity. (Col. 5, lines 6-33, col. 1, lines 29-35).

However, to the extent that the auxiliary codes HC correlate write powers and recording velocities, and are able to indicate codes and subcodes needed for adjusting the recording parameters according to type and sub-type of the carrier 1 according to the recording velocities, there is no suggestion that the recording velocities correspond to different versions of a standard, that the write powers are replaced with other recording information, or that the codes and subcodes adjust any other parameters beyond the write powers indicated in bits W1 through W3.

In contrast, claim 1 recites among other features, that "when the information storage

medium is operable in the drive, the information storage medium stores information about an optimal writing pattern to be used to record the data," with the drive "following a version of a standard that is older than a version of the standard of the information storage medium." As such, it is respectfully submitted that Mimnagh does not disclose or suggest the invention of claim 1.

For at least similar reasons, it is respectfully submitted that Mimnagh does not disclose or suggest, among other features, that "information about an optimal writing pattern is recorded in at least one of the lead-in and lead-out areas" and "the information about the optimal writing patterns allows the drive to record and/or reproduce data with respect to the information storage medium having the version of the standard that is newer than the version of the standard of the drive" as recited in claim 24.

On page 3 of the Office Action, the Examiner asserts that claim 3 is shown since CD-WO uses a single pulse strategy and CD-E uses a multipulse strategy. Even assuming arguendo that the Examiner is correct, it is noted that CD-WO and CD-E are different standards altogether, and would not be understood by one of ordinary skill in the art as being different versions of a standard. As such, even assuming arguendo that the Examiner is correct in that CD-WO uses the single pulse strategy and CD-E uses the multipulse strategy, there is no suggestion that the auxiliary codes HC differentiate between different versions of CD-E or CD-WO. As such, it is respectfully submitted that Mimnagh does not disclose or suggest the invention of claim 3.

For at least similar reasons, it is respectfully submitted that Mimnagh does not disclose or suggest, among other features, that "information including strategy information, about which one of a multi-pulse write strategy and a single-pulse write strategy is used to record the data to the information storage medium, is recorded in at least one of the lead-in and lead-out areas," and "when detected by the drive, the strategy information allows the drive to record and/or reproduce the data with respect to the information storage medium having the version of the standard that is newer than the version of the standard of the drive" as recited in claim 18.

Claims 4-6, 19-21, 25-27, 31, and 32 are deemed patentable due at least to their depending from corresponding claims 1, 18, and 24.

On pages 3-4 of the Office Action, the Examiner rejects claims 1, 4, 5, 18-20, 24-26, 31, and 32 under 35 U.S.C. §102 in view of Kobayashi (U.S. Patent No. 7,088,667). The rejections are respectfully traversed and reconsideration is respectfully requested.

By way of review, Kobayashi discloses a DVD-RAM, DVD-R, or DVD-RW having disc

information 19 including sets of recording velocity information (RVI) and write strategy information (WSI). (Col. 5, lines 47-61; FIG. 3). Pieces of the WSI include optimum write strategy information determined in advance. Each piece in the WSI table is selected according to a corresponding velocity in the RVI table. (Col. 6, lines 26-31; FIGs. 4 through 6B). Moreover, each drive can determine a true write strategy for a particular velocity, and store a corresponding WSI and RVI table unique to the drive in an RMD area of the disc. (Col. 7, lines 27-35, col. 10, lines 50-54; FIG. 7; S10 of Figs. 10A and 10B).

However, to the extent Kobayashi discloses storing on a disc the WSI for multiple drives and/or a disc having prerecorded WSI, the WSI corresponds to the velocities of the RVI table and are not different according to versions of a particular standard. Further, to the extent a particular drive can have a unique WSI and RVI table as shown in FIG. 7, there is no suggestion that the drives are of a particular version which differs from the version of the disc.

In contrast, claim 1 recites, among other features, that "compatibility information about whether the information storage medium is compatible with the drive is recorded in at least one of the lead-in and lead-out areas," and "when the information storage medium is operable in the drive, the information storage medium stores information about an optimal writing pattern to be used to record the data," where the drive is "following a version of a standard that is older than a version of the standard of the information storage medium." As such, it is respectfully submitted that Kobayashi does not disclose or suggest the invention of claim 1.

For at least similar reasons, it is respectfully submitted that Kobayashi does not disclose or suggest, among other features, that "information about an optimal writing pattern is recorded in at least one of the lead-in and lead-out areas" and "the information about the optimal writing patterns allows the drive to record and/or reproduce data with respect to the information storage medium having the version of the standard that is newer than the version of the standard of the drive" as recited in claim 24.

Similarly, to the extent that Kobayashi discloses storing WSI and RVI, there is no suggestion that the WSI includes information on particular write strategies or that such write strategies are adjusted according to different versions of a standard. As such, it is respectfully submitted that Kobayashi does not disclose or suggest, among other features, that "information including strategy information, about which one of a multi-pulse write strategy and a single-pulse write strategy is used to record the data to the information storage medium, is recorded in at least one of the lead-in and lead-out areas," and "when detected by the drive, the strategy information allows the drive to record and/or reproduce the data with respect to the information

storage medium having the version of the standard that is newer than the version of the standard of the drive" as recited in claim 18.

Claims 4, 5, 19, 20, 25, 26, 31 and 32 are deemed patentable due at least to their depending from corresponding claims 1, 18, and 24.

**REJECTIONS UNDER 35 U.S.C. §103:**

On page 5 of the Office Action, the Examiner rejects claims 7, 8, and 12-16 under 35 U.S.C. §103(a) in view of Mimnagh and Lim (U.S. Patent No. 6,330,215). The rejections are respectfully traversed and reconsideration is respectfully requested.

Since the Examiner does not rely upon Lim as curing the above noted deficiencies of the Mimnagh as applied to claim 1, it is respectfully requested that the Examiner reconsider and withdraw the rejections.

On page 5 of the Office Action, the Examiner rejects claim 3 under 35 U.S.C. §103(a) in view of Kobayashi and DVD Specification July version 1.9. The rejections are respectfully traversed and reconsideration is respectfully requested.

Even assuming arguendo the DVD Specification includes provisions for multi-pulse and single-pulse write strategies, as the Examiner does not rely upon DVD Specification July version 1.9 as curing the above noted deficiencies of Kobayashi as applied to claim 1, it is respectfully requested that the Examiner reconsider and withdraw the rejections.

On page 5 of the Office Action, the Examiner rejects claims 6, 7, 8, 12-16 under 35 U.S.C. §103(a) in view of Kobayashi and Lim. The rejections are respectfully traversed and reconsideration is respectfully requested.

Since the Examiner does not rely upon Lim as disclosing all of the features of claims 6, 7, 8, 12-16 without Kobayashi s applied to claim 1, it is respectfully requested that the Examiner reconsider and withdraw the rejections.

**ALLOWABLE CLAIMS:**

On page 6 of the Office Action, the Examiner allows claims 9-11.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

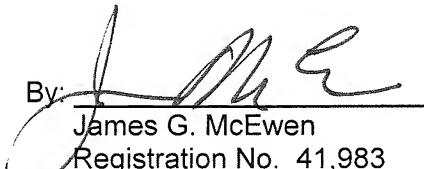
requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: SEPT. 12, 2008

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